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10th DECEMBER, 1804.

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Read the first and second time, and committed to a Committee of the whole House on Wednesday next.

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## A B I L L,

*TO amend the charter of the town of Alexandria.*

1     **Be it enacted**, by the Senate and House of Representatives  
2     of the United States of America, in Congress assembled, That  
3     the town of Alexandria shall be and is hereby divided into two  
4     districts, by a line running east and west, at an equal distance be-  
5     tween King and Prince streets, beginning at the river Potomac, and  
6     extending to the western boundary of said town, and all that  
7     part of the town which is situate north of the said dividing line  
8     shall be called the northern district; and all that part of the town  
9     which is situate south of the said dividing line, shall be called the  
10    southern district of the town of Alexandria; and where any house  
11    or lot shall be situate partly in each district, it shall be considered  
12    as lying in that district where the greater part of said lot or house

13 is situate ; and shall be assessed accordingly. None of the taxes  
 14 on the valuation of real property which shall hereafter be collect-  
 15 ed in the northern district, shall be expended in the regulating,  
 16 fitting up, or paving, or repairing of the streets, or sinking of wells,  
 17 or building of bridges, in the southern district ; nor shall the taxes  
 18 on the valuation of real property which shall hereafter be collected  
 19 in the southern district, be expended in the regulating, or fitting up,  
 20 or paving, or repairing the streets, or sinking of wells, or building  
 21 of bridges in the northern district—but all the monies to be expend-  
 22 ed upon the aforesaid improvements in either district, shall be  
 23 raised by an assessment on the valuation of real property in  
 24 each district respectively ; at the times and in the manner the com-  
 25 mon council shall direct. It shall be the duty of the assessors and  
 26 other public officers to keep the accòmpts of each district separate  
 27 and distinct, in regard to the assessments for the aforesaid local  
 28 purposes, and all taxes which are now, or shall hereafter be asses-  
 29 sed or levied, upon the valuation of real property, or other subjects,  
 30 together with the fines, and also the rents issuing from the property  
 31 belonging to the corporation ; and all their other resources shall  
 32 constitute a general fund to be appropriated as the common coun-  
 33 cil shall direct.

1     SEC. 2. *And be it further enacted,* That all free white male per-  
 2 sons, being citizens of the United States, above the age of twenty  
 3 one years, who shall have resided within the town of Alexandria for  
 4 twelve months next preceding the election, and who shall within

5 that time have been charged with any public tax upon the public  
 6 books, either in their own name or that of another, who may be li-  
 7 able for the payment of the said tax, for or on account of such per-  
 8 son, according to any regulation to that effect, and also, all free  
 9 white male citizens above the age of twenty one years, who shall  
 10 reside without the limits of the said town, but hold real estate there-  
 11 in for one year preceding the election, and who shall within that  
 12 time have paid a tax thereon, shall be qualified to vote for members  
 13 to serve in the common council, as also for the mayor of the said  
 14 town, and no person who is not qualified as aforesaid, shall exer-  
 15 cise the right of suffrage.

1 SEC. 3. *And be it further enacted*, That on the second Tuesday  
 2 in January in each year, the persons qualified as aforesaid, shall  
 3 meet at the court house in the town of Alexandria, and elect by  
 4 ballot, sixteen persons, having the qualifications herein after men-  
 5 tioned, for the representatives of the said town in the common coun-  
 6 cil, and also a fit and able man, having the qualifications herein  
 7 after mentioned, for the mayor of the said town ; and every free  
 8 white male citizen of the United States, who shall have resided in  
 9 the said town for the space of two years next preceding the elec-  
 10 tion, and who shall have been for that time charged with any tax  
 11 upon the public books, shall be eligible as a member of the said  
 12 common council, and as mayor of the said town, and no other per-  
 13 son shall be eligible either as a member of the common council, or  
 14 as mayor of the said town. *Provided*, however, that eight of the

15 said representatives in common council shall be, at the time of  
16 their election, bona fide residents within the northern district of  
17 the said town, and that eight of the said representatives in com-  
18 mon council shall be, at the time of their election, bona fide re-  
19 sidents within the southern district of the said town.

SEC. 4. *And be it further enacted*, That the elections for members of the common council, and for mayor of the said town, shall be held by six commissioners, to be appointed from time to time, by the common council, at least ten days before the day of each election, and three of the said commissioners shall be appointed out of the persons in each district, who shall be eligible as members of the common council, from their respective districts; of which appointments, and the time of holding each and every election under this act, public notice shall be given at least ten days before the day of each election; and the said commissioners, to be appointed as aforesaid, (a majority of whom shall have power to act) shall, before they proceed to receive any vote, severally take the following oath or affirmation, to be administered by the mayor for the time being, or by any justice of the peace, viz. I do solemnly swear (or affirm as the case may be) that I will truly and faithfully receive and return all votes of such persons as are by law entitled to vote for members of the common council, and for mayor of the town of Alexandria, and that I will not knowingly receive or return the vote of any person who is not legally entitled to vote in this election. So help me God.

1     SEC. 5. *And be it further enacted,* That each election shall  
2 be closed on the same day it is began, and the poll shall be  
3 kept open until sun set, and no longer. The commissioners con-  
4 ducting the election shall make a list of all the votes received at  
5 such election, and in each and every election under this act, the  
6 person or persons having the greatest number of the lawful votes  
7 received, shall be duly elected to the office, for which such plu-  
8 rality of votes may be respectively given; and in all cases of an  
9 equality of votes, the acting commissioners, or a majority of them,  
10 shall decide, and the acting commissioners shall make a return of  
11 the person or persons so elected, under their hands and seals, to  
12 the mayor for the time being, who shall cause the same to be  
13 published in the newspapers of the town, and the said commis-  
14 sioners shall also send a duplicate return, under their hands and  
15 seals, to the clerk of the common council, who shall record the  
16 same. The common council may judge of the legality of the elec-  
17 tion of any person, who shall be returned as a member thereof;  
18 and shall have full power to pass all laws to enable them to come  
19 to a just decision on a contested election. They shall have power  
20 to compel the attendance of the members by reasonable penalties,  
21 and to pass all rules for the regular and orderly conduct of busi-  
22 ness; they may punish any member for disorderly behaviour, by  
23 fine, and with the consent of three fourths of the whole council,  
24 by expulsion. But no member shall be expelled twice for the  
25 same cause.

1     **SEC. 6.** *And be it further enacted,* That the members of the com-  
 2     mon council, elected as aforesaid, or any twelve of them, shall  
 3     within seven days after their election in each year, assemble them-  
 4     selves at the court house, or any other place which shall hereafter  
 5     be fixed for their meeting, and shall choose one of their body to  
 6     be president of the said common council, to whom shall be admi-  
 7     nistered by any justice of the peace in the county of Alexandria,  
 8     an oath or affirmation for the faithful discharge of the duties of  
 9     his office; whereupon the president of the said common council,  
 10    shall administer the oath of office to the other members of the  
 11    said council, and shall have while the council is in session, the  
 12    same power which is at present exercised by the mayor on the like  
 13    occasion; and he shall convene the council, whenever in the opi-  
 14    nion of four of the members expressed to him in writing, or when-  
 15    ever in his opinion the good of the town may require it; and the  
 16    authority of the said common council, shall continue one year  
 17    from the day of their election, and until others are chosen and  
 18    qualified in their stead, and no longer.

1     **SEC. 7.** *And be it further enacted,* That the common council so  
 2     elected, and those thereafter to be elected, and their successors,  
 3     shall be, and are hereby made a body politic and corporate, by the  
 4     name of the common council of Alexandria; and by the said name  
 5     shall have perpetual succession, with capacity to purchase, pos-  
 6     sess, and enjoy lands and tenements, and goods and chattels,  
 7     either in fee or lesser estate therein, and the same to give, grant,

8 let, sell, assign or transfer, and to plead and be impleaded, pro-  
 9 secute and defend all causes, complaints, actions real, personal, or  
 10 mixed, and to have one common seal and perpetual succession.

1 SEC. 8. *And be it further enacted*, That the jurisdiction of the  
 2 said common council, shall extend to the limits heretofore pre-  
 3 scribed by law, and exercised by the mayor and commonality—  
 4 The concurrence of a majority of the whole number of members  
 5 elected into the common council, shall be necessary for the pass-  
 6 ing of any law, order, or resolution, or for repealing, altering, or  
 7 revoking the same.

1 SEC. 9. *And be it further enacted*, That the said common coun-  
 2 cil shall have power to erect and repair work houses, houses of  
 3 correction, and other public buildings for the benefit of the said  
 4 town; to pave, make, and repair the streets and high ways; to  
 5 make all laws which they shall conceive requisite for the pre-  
 6 servation of the health of the inhabitants, and for the regulation  
 7 of the morals and police of the said town, and to enforce the ob-  
 8 servance of their said laws, by reasonable penalties and forfei-  
 9 tures, to be levied on the goods and chattels of the offender. And  
 10 they shall have power to raise money by taxes, for the use and  
 11 benefit of the said town.; *Provided*, That such laws shall not be  
 12 repugnant to, or inconsistent with the laws and constitution of the  
 13 United States. The said common council shall have power to  
 14 extend, regulate, pave, improve, and open, such new streets and  
 15 allies in and adjoining to the said town, and within the limits of

16 the corporation, as they shall deem expedient and necessary, and  
17 to affix the permanent names to all or any of the streets and pub-  
18 lic allies of the said town, which names shall not be altered or  
19 changed, after being once fixed and determined on, and entered  
20 of record on the books of the common council. *Provided*, They  
21 make to the person or persons, who may be injured by extending  
22 a street, or by opening a new street or alley, just and adequate  
23 compensation out of the funds of the corporation, to be ascertain-  
24 ed by the verdict of an impartial jury, in like manner as has been  
25 usual in other cases, where private property has been condemned  
26 for public use. They shall have power to hold and keep within  
27 the said town, market days in every week, and from time to time  
28 to appoint a clerk of the market, who shall do and perform all  
29 things belonging to the office of clerk of the market within the  
30 said town, according to the rules and regulations which they shall  
31 prescribe. They shall have power to pass all laws not inconsis-  
32 tent with the laws of the United States, which they may conceive  
33 requisite for the prevention and removal of nuisances; and to  
34 appoint a superintendant of police, commissioners, and surveyors  
35 of the streets; constables, collectors of the taxes, and all other  
36 officers, who may be deemed necessary for the execution of their  
37 laws: who shall be paid for their services a reasonable compensa-  
38 tion, and whose duties and powers shall be proscribed in such  
39 manner as the common council shall deem fit for carrying into  
40 execution the powers herein granted.



1     SEC. 10. *And be it further enacted,* That the jurisdiction of the  
 2     said common council, shall extend over the harbour of Alexan-  
 3     dria, and over vessels of every description which may arrive, and  
 4     be in the harbour, or be at anchor in any part of the river Poto-  
 5     mac, below Pearson's Island, and within the district of Columbia,  
 6     for the purpose of preventing and removing all nuisances, and  
 7     such other subjects, or things being on board any such vessel, as  
 8     may be prejudicial to the health of the town, and for no other pur-  
 9     pose. And also, their jurisdiction shall extend over the house,  
 10    lately built in the vicinity of the town, for the accommodation of  
 11    the poor and others; and over the ten acres of ground thereto  
 12    belonging, and over all persons who may be sent or placed there,  
 13    by the consent or authority of the common council, and on their  
 14    way to and from the same, until they be regularly discharged;  
 15    *Provided,* that paupers and other persons shall not be considered,  
 16    as having thereby gained a residence in the county, so as to be-  
 17    come chargeable thereto.

1     SEC. 11. *And be it further enacted,* That the mayor of the town  
 2     of Alexandria shall hold his office for one year, from the time of  
 3     his election, and until a successor shall be chosen and qualified  
 4     in his stead. At the expiration of which period, he may be re-  
 5     elected for two years, thereafter in succession, and no longer un-  
 6     til he shall have been out of office for one year. He shall before  
 7     he enters on the duties of his office, take an oath or affirmation in  
 8     the presence of the council, faithfully to execute his said office,

9 which shall be recorded in their book of proceedings. He shall  
 10 see that the laws of the corporation be duly executed, and shall  
 11 report the negligence, or misconduct of any officer to the common  
 12 council, who on satisfactory proof thereof, may remove from office  
 13 the said delinquent, or take such other measures thereupon, as  
 14 shall be just and lawful. He shall have power to convene the  
 15 common council, when in his opinion the good of the community  
 16 may require it, and he shall lay before the council from time to  
 17 time in writing, such alterations in the laws of the corporation, as  
 18 he shall deem necessary and proper. He shall have and exercise  
 19 all the powers of a justice of the peace, within the said town, and  
 20 shall receive for his services annually, a just and reasonable com-  
 21 pensation, to be allowed and fixed by the common council, which  
 22 shall not be increased or diminished, during the period for which  
 23 he shall have been elected.

1     *Sec. 12. And be it further enacted,* That in case of any vacancy  
 2 happening in the office of mayor, by the refusal of any person up-  
 3 on his election thereto, to accept the said office, or otherwise, the  
 4 common council shall cause an election to be made in the man-  
 5 ner herein before directed, of another in his place, to serve the re-  
 6 mainder of the year. And the common council shall have power  
 7 to supply vacancies in their own body, by causing elections to be  
 8 held in the manner herein before directed, out of the qualified citi-  
 9 zens in the districts, in which such vacancies shall have happen-  
 10 ed—and may in the absence of their president, elect a president

11 pro-tempore. In case of the absence, or temporary inability of the  
 12 mayor, the president for the time being of the common council,  
 13 shall exercise, perform, and execute all the powers, jurisdiction  
 14 and duties of the mayor, that may be required to be exercised, per-  
 15 formed, or executed, during such temporary absence or inability,  
 16 and in case of vacancy in the office of mayor, the president for the  
 17 time being, of the common council, shall execute, perform, and  
 18 exercise, all the powers, jurisdiction, and duties of the mayor,  
 19 until such vacancy shall be supplied by election as herein before  
 20 directed, and no longer.

1 SEC. 13. *And be it further enacted,* That the acts of the com-  
 2 mon council shall be signed by the president of the common  
 3 council, and shall be presented to the mayor for his approbation,  
 4 who if he objects thereto, shall, within three days after it is pre-  
 5 sented to him for his assent, return it to the common council with  
 6 his objections in writing, and if a majority of the whole common  
 7 council shall be of opinion, that the law ought to be passed, it shall,  
 8 notwithstanding the objections of the mayor, become a law, and  
 9 he shall sign the same; but if the mayor shall not return his ob-  
 10 jections to the same, to the common council, within three days, it  
 11 shall become a law, and shall be signed by him. The clerk of  
 12 the common council shall record in a book, to be kept by him for  
 13 that purpose, all the laws, orders, and resolutions, which shall be  
 14 passed as aforesaid, and deliver a copy of them to the public prin-  
 15 ter, to be printed for the information of the people.

1     SEC. 14. *And be it further enacted*, That whenever taxes upon  
 2     real property, or other claims upon real property within the  
 3     town, shall be due, and owing to the common council, and the pro-  
 4     prietor shall fail to discharge the same ; the said common council,  
 5     after giving the party reasonable notice, when he resides in the town ;  
 6     sixty days notice when he resides out of the town, and within the  
 7     United States ; and after six months' publication in the newspa-  
 8     pers, when he resides out of the United States ; shall be empower-  
 9     ed to recover the said taxes or debts, by motion in the court of  
 10    Alexandria county : And, provided it shall appear to the satisfac-  
 11    tion of the court that such taxes, or claims are justly due, judgment  
 12    shall be granted, and an execution shall issue thereupon, with the  
 13    costs of suit, against the goods, and chattels of the defaulter, if any  
 14    can be found within the town ; if not, that the whole property on  
 15    which the tax, or claim is due, shall, by order of the court be leas-  
 16    ed out at public auction, for the shortest term of years that may be  
 17    offered, on condition that the lessee pay the arrearages, and also  
 18    the future taxes accruing during the term, and be at liberty to re-  
 19    move all his improvements at the end of the lease. *Provided al-*  
 20    *ways*, that the common council may prosecute any other remedy by  
 21    action, for the recovery of the said taxes, and claims, which is now  
 22    possessed or allowed.

1     SEC. 15. *And be it further enacted*, That any alien, or aliens,  
 2     subject or citizen, of any foreign nation, may purchase, take, hold,  
 3     and enjoy by bargain, and sale in fee simple for life, or for a term

4 of years, any lands, tenements, and hereditaments within the limits  
 5 of the county of Alexandria, and the same so purchased, held, or  
 6 enjoyed as aforesaid, such alien, or aliens may grant, bargain, sell,  
 7 give, and transfer by deed, devise, succession, or inheritance, to  
 8 his, or their grantee, or grantees, successor or successors, heir, or  
 9 heirs at law, whether citizens, or aliens.

1     SEC. 16. *And be it further enacted*, That so much of any act or  
 2 acts of the general assembly of Virginia, and so much of the act  
 3 passed at the first session of the eighth Congress, entitled “ An  
 4 act to amend the charter of the town of Alexandria,” which comes  
 5 within the purview of this act, shall be, and the same is hereby re-  
 6 pealed. *Provided*, that nothing herein contained shall be constru-  
 7 ed to impair or destroy any right, or remedy which the mayor, and  
 8 commonalty of Alexandria now possess, or enjoy, concerning any  
 9 debts, claims, or demands against any person, or persons whatso-  
 10 ever ; or to repeal any of the laws, or ordinances of the mayor,  
 11 and commonalty of the said town, now in force, which are not in-  
 12 consistent with this act.